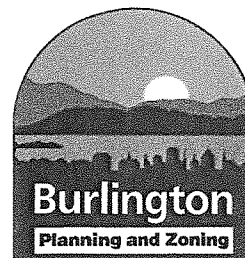


## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin *SG*  
**DATE:** August 2, 2011  
**RE:** 11-0394PD; 88 South Willard Street

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: RH      Ward: 2

Owner/Applicant: Robert W. Kilpatrick

**Request:** Combined preliminary/final plat review of planned unit development (PUD) to construct new detached residential structure for one new unit with associated parking

### **Applicable Regulations:**

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

### **Background Information:**

The applicant is seeking approval to construct a new detached structure on a property containing an existing triplex. The new detached dwelling unit entails review as a major PUD. The new structure would contain a new dwelling unit; however, the application has been revised to eliminate a unit from the existing triplex. The end result will be 3 dwelling units on the property, the same number as now. As less than 5 units are proposed, the project qualifies for combined preliminary and final plat review. Some changes to the driveway and parking layout are also proposed.

This project was reviewed by the Development Review Board on July 5, 2011. Following deliberations on July 11, the DRB voted to reopen the public hearing to give the applicant time to revise the site plan to depict safe turning radii allowing vehicles to turn around and avoid backing out onto the street. The number of parking spaces was to be reduced to 6, concurrent with the reduction in dwelling units from 4 to 3. A revised site plan has been submitted to address the DRB's recommendation as noted in these findings.

The Design Advisory Board reviewed this project three times and unanimously recommended approval of it on January 11, 2011 subject to the following conditions:

1. A tree protection plan for the nearby retained trees is needed.
2. A small project erosion prevention and sediment control plan is needed.

3. An elongated walkway link between the front door of the proposed building and the public sidewalk is needed.
4. Any ground mounted mechanical equipment that is proposed must be depicted and screened.
5. New versus existing landscaping needs to be clarified.

The revised site plan addresses the DAB's recommendations (except that no new landscaping is evident), and an erosion control plan has been provided and forwarded to the Stormwater Administrator.

Previous zoning actions for this property are noted below.

- 5/3/06, Approval to install two windows in dormer
- 7/26/05, Approval to construct a 2<sup>nd</sup> story shed dormer

**Recommendation:** Combined preliminary & final plat approval as per, and subject to, the following findings and conditions:

#### **Article 4: Maps & Districts**

##### ***Sec. 4.4.5, Residential Districts:***

###### ***(a) Purpose***

###### ***(5) Residential Medium Density (RH)***

The subject property is located in the RH zone. This zone is primarily intended for high density residential development in the form of attached multi-family homes. The proposed development is consistent with the purpose of the RH zone. **(Affirmative finding)**

###### ***(b) Dimensional Standards & Density***

There is no minimum lot size requirement in the RH zone.

Residential density is limited to 40 units per acre. The existing and proposed 3 units on this 0.24 acre lot are compliant ( $40 \times 0.24 = 9.6$  units).

Lot coverage is limited to 80%. The proposed lot coverage is 58%.

The front yard setback will remain unchanged.

The minimum required rear yard setback is 25% of the lot depth (and in no event less than 20'). The proposed rear yard setback has been revised to 37'; however, 38' is the minimum required on this 151.6' deep lot. The building location must be shifted forward by 1'.

The minimum required side yard setback is 10% of the lot width (and in no event less than 5'). The proposed minimum side yard setback has been revised to an acceptable 7' (68.5' wide property).

The proposed dwelling unit is 3 stories tall and reaches to 29' 1 3/8" tall. This height is less than the 35' maximum permissible height in the RH zone. **(Affirmative finding as conditioned)**

###### ***(c) Permitted & Conditional Uses***

The new dwelling is a permitted use in the RH zone. **(Affirmative finding)**

***(d) District Specific Regulations***

***1. Setbacks***

No setback encroachments are sought.

***2. Height***

Not applicable in RH.

***3. Lot Coverage***

Lot coverage is compliant as noted in criterion (b) above.

***4. Accessory Residential Structures and Uses***

Not applicable. No changes to the existing garage are proposed.

***5. Residential Density***

Not applicable.

***6. Uses***

Not applicable.

***7. Residential Development Bonuses***

No development bonuses are being sought.

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.4, Buildable Area Calculation***

Not applicable.

***Sec. 5.2.5, Setbacks***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.6, Building Height Limits***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Sec. 4.5.5 (b) above.

***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

***Sec. 5.5.2, Outdoor Lighting***

Outdoor lighting information has been provided. Illumination is limited to recessed canister fixtures over the garage door and two wall sconce fixtures by the front door. The proposed fixtures are acceptable. **(Affirmative finding)**

***Sec. 5.5.3, Stormwater and Erosion Control***

The project requires an erosion control plan. Such plan has been submitted and forwarded to the Stormwater Administrator for review and approval. Impervious surface is extensive enough to also require review of stormwater management measures. The required stormwater management plan worksheet has been submitted and forwarded to the Stormwater Administrator for review and approval. **(Affirmative finding as conditioned)**

## **Article 6: Development Review Standards**

### ***Part 1, Land Division Design Standards***

Not applicable.

### ***Part 2, Site Plan Design Standards***

#### ***Sec. 6.2.2, Review Standards***

##### ***(a) Protection of important natural features***

Except for trees along the property boundaries, there are no important natural features on the proposed development site. The new structure would be located on what is presently lawn area. Care needs to be taken to protect the roots of the nearby trees during construction. The tree protection plan has been revised to depict snow fencing along the perimeter of the subject trees' canopies. **(Affirmative finding)**

##### ***(b) Topographical alterations***

The property slopes sharply uphill from the road and then more gradually uphill behind the existing home. Topographic lines have been depicted on the erosion control plan. No significant topographic alterations are proposed. **(Affirmative finding)**

##### ***(c) Protection of important public views***

There are no designated view sheds from or through the property. **(Affirmative finding)**

##### ***(d) Protection of important cultural resources***

The proposed development site has no known archaeological resources. **(Affirmative finding)**

##### ***(e) Supporting the use of alternative energy***

There is no indication that the proposed development will utilize alternative energy. The project's construction will not inhibit the potential use of alternative energy onsite or on adjacent properties. **(Affirmative finding)**

##### ***(f) Brownfield sites***

The property is not an identified brownfield.

##### ***(g) Provide for nature's events***

See Sec. 5.5.3 for stormwater management.

There is sufficient room onsite for seasonal snow storage. **(Affirmative finding)**

##### ***(h) Building location and orientation***

The location and orientation of the primary structure will remain unchanged. The proposed structure constitutes infill development and will be placed behind the existing structure. **(Affirmative finding)**

*(i) Vehicular access*

No new curb cuts are proposed. Modifications to the driveway are limited to the provision of additional surface parking and access to the proposed dwelling unit. **(Affirmative finding)**

*(j) Pedestrian access*

The main entry into the existing residence is linked to the public sidewalk with a front walkway. This walkway will remain. As recommended by the DAB, the revised site plan depicts a pedestrian walkway between the front entry of the new residence to the public sidewalk. The walkway will consist of stamped and stained asphalt to differentiate it from the driveway. **(Affirmative finding)**

*(k) Accessibility for the handicapped*

No handicap access details have been provided. It is the applicant's responsibility to insure that the project complies with all applicable ADA requirements. **(Affirmative finding as conditioned)**

*(l) Parking and circulation*

Parking is appropriately located behind the existing residence. The parking arrangement has been revised to delete 2 parking spaces and to improve circulation. As now proposed, each vehicle has sufficient room to turn around and drive forwards onto the street. Note that the garage space in the new building has switched to the opposite side of the building. The site plan reflects this change; however, the elevation drawing needs to be updated accordingly. **(Affirmative finding as conditioned)**

*(m) Landscaping and fences*

The site plan depicts existing trees, including those to be removed. No new landscaping is depicted and should be. **(Affirmative finding as conditioned)**

*(n) Public plazas and open space*

No public plazas or open space are included in this proposal.

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

All new utility lines must be buried. No new ground mounted mechanical equipment is proposed. No dumpster is proposed either. **(Affirmative finding as conditioned)**

***Part 3, Architectural Design Standards***

***Sec. 6.3.2, Review Standards***

***(a) Relate development to its environment***

***1. Massing, Height, and Scale***

The Design Advisory Board placed particular emphasis on reducing the real and perceived height of the proposed building. Since its original design, it has been shortened by about 8' by way of deleting a gable roof in favor of an almost flat shed roof and by lowering the floor-to-ceiling height within the structure. The building does, however, remain a 3-story structure and essentially unchanged in most other respects. The DAB ultimately found the proposed building design to be acceptable and appropriate within the context of the surrounding built environment. **(Affirmative finding)**

## *2. Roofs and Rooflines*

The proposed structure would be topped with an almost flat shed roof. This roof form is uncommon in the neighborhood; however, it does help to hold down the height of the building. **(Affirmative finding)**

## *3. Building Openings*

The front entry into the proposed building is fairly well articulated, although not visible from the street. Given the structure's placement in the rear yard, such visibility would be impossible. Fenestration is appropriately and consistently scaled. **(Affirmative finding)**

### *(b) Protection of important architectural resources*

The existing residence was constructed circa 1860 and is included on the State and National Registers of Historic Places. It is a contributing structure within the South Willard Street Historic District. The carriage barn (now a garage) is also listed. The proposed structure does not bear any relationship to the historic structures onsite; however, it reads as clearly distinct from, and does not overwhelm, them. **(Affirmative finding)**

### *(c) Protection of important public views*

See 6.2.2 (c) above.

### *(d) Provide an active and inviting street edge*

The street edge will remain unchanged. **(Affirmative finding)**

### *(e) Quality of materials*

The proposed structure would be clad in metal and wooden siding with metal roofing. A mix of vinyl and clad wooden windows would be installed. These contemporary materials are acceptable for new construction. **(Affirmative finding)**

### *(f) Reduce energy utilization*

The proposed building must comply with the city's current energy efficiency standards. **(Affirmative finding as conditioned)**

### *(g) Make advertising features complimentary to the site*

No advertising features are included in this proposal.

### *(h) Integrate infrastructure into the building design*

Vents and a stove pipe are depicted on the elevation plans. The modified plans also depict utility meter locations and existing vegetative screening along the southern elevation of the existing residence. **(Affirmative finding)**

### *(i) Make spaces safe and secure*

The proposed building must comply with the city's current egress requirements. **(Affirmative finding as conditioned)**

## **Article 8: Parking**

### ***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The revised application results in no net increase in dwelling units. There are 3 dwelling units now, and 3 are proposed. Therefore, the parking requirement does not change. The 3 dwelling units require 6 parking spaces (2 per unit). As revised, the parking plan depicts 3 interior garage spaces and 3 surface parking spaces. One of the spaces is compact. Parking as now proposed is adequate. **(Affirmative finding)**

***Sec. 8.2.5, Bicycle Parking Requirements***

No bicycle parking is required for the new dwelling unit. **(Affirmative finding)**

**Article 10: Subdivision**

***Sec. 10.1.9, Final Plat Approval Process***

***(d) Review Criteria***

See Articles 3, 4, 5, and 6 of these findings.

**Article 11: Planned Unit Development**

***Sec. 11.1.6, Approval Requirements***

***(a) Lot coverage requirements of the district shall be met***

Lot coverage is compliant as noted in Sec. 4.4.5 (b). **(Affirmative finding)**

***(b) The minimum setbacks required for the district shall be met***

Side yard setbacks are compliant. The rear yard setback needs to be revised slightly as noted previously. **(Affirmative finding as conditioned)**

***(c) The minimum parcel size shall be met if the project is located in a RL or RL-W district***

Not applicable.

***(d) The project shall be subject to design review and site plan review of Article 3, Part 4***

See Article 3 above.

***(e) The project shall meet the requirements of Article 10 for subdivision review***

See Article 10 above.

***(f) All other dimensional, density, and use requirements of the underlying zoning district shall be met as calculated across the entire property***

See Article 4 above.

***(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB***

Yard space on the property will be held and maintained by the property owner(s) of the dwelling units. **(Affirmative finding)**

***(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.***

No build-out/phasing schedule has been provided and does not need to be for a project of this size. **(Affirmative finding)**

*(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests*  
*Sec. 11.1.1, Intent*

*(a) Promote the most appropriate use of land through flexibility of design and development of land;*

The subject property is located in the Residential High Density zone. Its most appropriate use is for high density housing. The proposed dwelling unit will have no impact on density given the concurrent removal of one other unit. The PUD process enables the construction of this additional primary structure on the single lot.

**(Affirmative finding)**

*(b) Facilitate the adequate and economical provision of streets and utilities;*  
Not applicable.

*(c) Preserve the natural and scenic qualities of open space;*  
Not applicable.

*(d) Provide for a variety of housing types;*

A single new dwelling unit is proposed. It will share the property with a duplex. Neighboring properties contain single and multi-unit residences. The proposed housing unit will contribute to the diversity of residences in the neighborhood. **(Affirmative finding)**

*(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,*  
As noted in (a) above, the PUD process allows for an additional dwelling unit on the subject parcel. The layout of existing buildings on the property precludes subdivision. **(Affirmative finding)**

*(f) Achieve a high level of design qualities and amenities.*

The building design is reasonably compatible with the existing pattern of development in the neighborhood and has received a recommendation for approval from the Design Advisory Board. Amenities are primarily associated with its close proximity to downtown. **(Affirmative finding)**

*(j) The proposed development shall be consistent with the Municipal Development Plan*

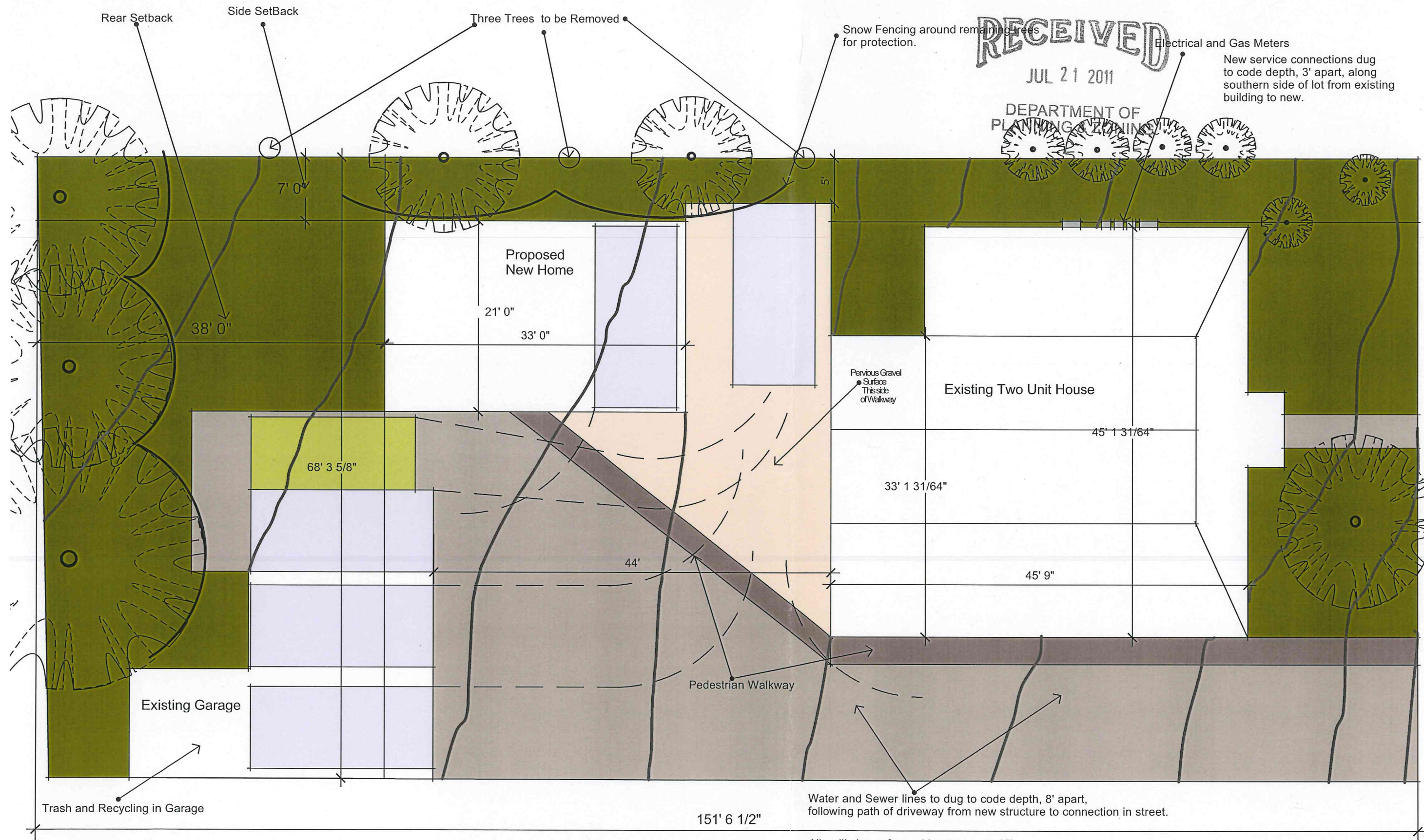
The proposed development is modest in scope. Insofar as the proposed dwelling unit is consistent with the intent of the RH zone, is reasonably compatible with the existing development pattern in the neighborhood, and leaves the existing historic buildings intact, the project can be found in compliance with the Municipal Development Plan. **(Affirmative finding)**

## **II. Conditions of Approval**

1. **Within 180 days of the date of final approval**, a mylar copy of the property plat, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval. A paper copy of the plat shall be submitted, subject to staff review and approval prior to filing the mylar with the City Clerk.
2. **Prior to release of the zoning permit**, revised plans shall be submitted, subject to staff review and approval. The revisions shall include:



- a) The new dwelling unit moved forward to comply with the rear yard setback;
  - b) Updated building elevations to reflect modified garage location; and,
  - c) New landscaping (including location, species, and size at time of planting).
3. **Prior to release of the zoning permit**, written approval of erosion control and stormwater management procedures shall be obtained from the Stormwater Administrator.
  4. **Prior to release of the zoning permit**, written confirmation of adequate wastewater capacity from the Department of Public Works shall be obtained.
  5. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
  6. All new utility lines shall be buried.
  7. A State of Vermont wastewater permit is required.
  8. The proposed structure shall comply with Burlington's current energy efficiency standards and with Burlington's current egress requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
  9. It is the applicant's responsibility to comply with all applicable ADA requirements.
  10. This property is subject to all applicable nuisance regulations and performance standards in the Burlington Code of Ordinances.
  11. Standard permit conditions 1 – 18.



Total Lot Area - 10,266 sq ft  
Existing Coverage - 5,044 sq ft  
Percentage of Coverage - 49%

Proposed Residence - 693 sq. ft  
Proposed Parking- 220 sq. ft  
Total with Proposed- 5,957 sq.ft  
Percentage of coverage- 58%

All radii shown for parking turns are 15'.

Appropriate culverts, drainage, tree protection and storm water runoff measures to be installed by excavation contractor if deemed necessary and to include hay bales, snow fence, and any other actions required.

Proposed Primary  
Scale: 1"=10'  
1' Contours



CLIENT  
Bob & Christine Kilpatrick  
88 South Willard St.  
Burlington, VT

ISSUE  
07.01.11  
RE-ISSUE

PROJECT  
Kilpatrick  
Residence

DRAWN BY  
WLS  
DESCRIPTION  
Proposed  
Primary

a

02